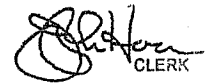


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED

JUL 22 2013


CLERK

UNITED STATES OF AMERICA,

CR 12-50107-03

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

DIANA BALD EAGLE,

Defendant.

The undersigned parties stipulate that the following facts are true and establish a factual basis for the plea in the action pursuant to Federal Rules of Criminal Procedure 11(b)(3):

1. From on or about August 2009, and continuing through on or about the date of the Superseding Indictment in this case, in and around the Pine Ridge Indian Reservation in South Dakota, Diana Bald Eagle conspired and agreed with other persons, including Angle Provincial, Robert Provincial, Clinton Provincial, Shawna Provincial, and Shy Bettelyoun, to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine.

2. During this conspiracy, Diana Bald Eagle received methamphetamine from other individuals, and Diana Bald Eagle and the other individuals knew Diana Bald Eagle intended to further distribute the methamphetamine.

3. It was reasonably foreseeable that during the course of the conspiracy more than 50 grams, but less than 200 grams, of methamphetamine would be distributed.

4. Methamphetamine is a Schedule II Controlled Substance.

BRENDAN V. JOHNSON
United States Attorney

7-22-13
Date

T. L. McBride (for)
TED L. MCBRIDE
Assistant United States Attorney
515 Ninth Street, Room 201
Rapid City, South Dakota 57701
Telephone: 605-342-7822
Facsimile: 605-342-1108
E-Mail: Ted.McBride@usdoj.gov

7-22-13
Date

D. Bald Eagle
DIANA BALD EAGLE
Defendant

7/22/13
Date

Lorie D. Melone
LORIE D. MELONE
Attorney for Defendant